IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:15-CR-172-F-15

UNITED STATES OF AMERICA)	
vs.)	ORDER
MAURICE SHAUNT BLANKS,)	
Defendant.)	
)	

Before the court is Defendant's Motion to Reconsider, Approve and Accept Plea Agreement, and Request to Impose Guideline Sentence in Accordance with the Presentence Report. [DE 633]. The Government does not oppose the requested relief. Also before the court is Defendant's handwritten letter titled "Fatal Defected [sic] Indictment." [DE 597].

On June 6, 2016, Defendant appeared before the court for his arraignment hearing, during which he entered a memorandum of plea agreement. [DE 516]. The plea agreement provides, *inter alia*, that at sentencing, the Government will move to dismiss the Indictment as to Defendant only. On August 26, 2016, the court received Defendant's letter. Therein, Defendant claims the charges against him are premised on "falsified allegations."

Defendant appeared before the court on August 31, 2016 for sentencing. During the hearing, however, Defendant stated that he did not wish to proceed with sentencing because he was "not guilty." After confirming Defendant's position, which was not shared by defense counsel, the court set Defendant's case for trial.

According to Defendant, it has been his position since the inception of the case that he was not guilty of the charges referenced in the Indictment. It appears during sentencing, Defendant erroneously thought the court inquired as to Defendant's acceptance of responsibility

for conduct described in the Indictment. Defendant claims he did not realize the court's inquiry

concerned the conduct addressed in the plea agreement. As such, his "desire for entry of

dismissal was ineffectively relayed to the Court during the sentencing hearing."

Defendant wishes to move forward with sentencing as originally contemplated.

Defendant advises that the parties think justice is best served by concluding this matter as

originally agreed. Defendant advises further that any and all issues with regard to the

presentence report ("PSR") have been resolved.

For the foregoing reasons, it is ORDERED as follows:

1. Defendant's letter [597], to the extent treated as a motion, is DENIED; and

2. Defendant's Motion to Reconsider, Approve and Accept Plea Agreement, and Request to Impose Guideline Sentence in Accordance with the Presentence Report [DE 633] is DENIED IN PART and ALLOWED IN PART. Defendant's sentencing hearing is set for

<u>November 4, 2016</u>, at which time the court will fashion an appropriate sentence after hearing from the parties and considering all relevant factors, including the PSR.

nearing from the parties and considering all relevant factors, including the PS

SO ORDERED.

This the 21st day of October, 2016.

JAMES C. FOX

Senior United States District Judge

James E. Fox